

Appearances: No appearance by or on behalf of importer. M. J. Wotherspoon on behalf of Comptroller of Customs.

Decision

This publication was supplied to the Collector of Customs at Auckland by the importer with a request that it be forwarded to the Tribunal for classification.

The Tribunal agrees with the submission made on behalf of the Comptroller of Customs that the publication is a high-quality sex manual written by a well-qualified medical practitioner, who is also a psychiatrist, and his wife. The Tribunal also agrees with the recommendation put forward by the Comptroller that in view of a section dealing with contraception and some of the other material contained in the publication, an age restriction would be appropriate and classifies this publication as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 20th day of March 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go7992

Decision No. 10/90

Reference No.: IND 3/90

Before the Indecent Publications Tribunal

In the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publications: *Sarah Foster Tate in Bondage*, No. 8 and No. 9; *Simone Devon's Favorite Bondage Models*, No. 1. Publisher: London Enterprises Ltd.; *Top Comedy and Bottom Burlesque*. Publisher: Bruce N. Duncan:

Chairman: Judge R. R. Kearney.

Members: R. E. Barrington, A. J. Graham, K. A. R. Hulme and S. C. Middleton.

Hearing at Wellington on the 20th day of February 1990.

Appearances: No appearance by or on behalf of importer. M. J. Wotherspoon on behalf of Comptroller of Customs.

Decision

The Tribunal understood that the importer was to appear before it to make submissions, but it had before it and took into consideration in reaching its decision on these publications a written submission on behalf of the importer and supporting submissions by other persons including the lady who appears as the model in Sarah Forst Tate. In reaching its decision in respect of all of these publications the Tribunal read and gave full consideration to the matters raised by the submission of the importer and the supporting persons.

These publications were privately imported through Auckland parcel post on or about 6 November 1989. The publications having been seized by the Collector of Customs, the importer subsequently disputed forfeiture and they have been referred to the Tribunal for classification prior to the commencement of condemnation proceedings pursuant to the Customs Act 1966.

Sarah Foster Tate in Bondage, No. 8 and No. 9

Simone Devon's Favorite Bondage Models, No. 1

These publications are similar to a number which have been before the Tribunal during the term of office of the present members and are primarily concerned with female bondage. Similar magazines have previously been classified by the Tribunal as unconditionally indecent. There are 2 aspects of bondage which cause concern to the Tribunal and which have resulted in magazines depicting bondage receiving an unconditionally indecent classification in the past. The first of these is the aspect of domination and that aspect by itself is in

the view of at least some members of the Tribunal a portrayal of material which is injurious to the public good. The second aspect is that people might be persuaded to indulge in bondage whilst affected by alcohol and drugs and cause injury to the person who is the subject of that bondage. Similarly, people who are naive may engage in such practises with possible harmful results to the person who is the subject of the bondage. The Tribunal is satisfied that the material in these publications is injurious to the public good and classifies each as unconditionally indecent.

Top Comedy and Bottom Burlesque

This rather shoddily produced magazine contains an assortment of cartoons depicting sadomasochism, spanking and unusual sexual behaviour. The cover in fact records the description of the contents as being "an assortment of cartoons about sadomasochism—with a few items of miscellaneous sexual perversity". In a number of previous decisions the Tribunal has expressed its concerns about publications which feature a combination of sex and violence and in particular when that violence is against young females. The Tribunal is satisfied that this publication is injurious to the public good and classifies it as unconditionally indecent.

Dated at Wellington this 20th day of March 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go7993

Decision No. 13/90

Reference No.: IND 5/90

Before the Indecent Publications Tribunal

In the matter of the Indecent Publications Act 1963, and in the matter of an application by the Comptroller of Customs for a decision in respect of the following publication: *Playgirl's Bronzed Aussies*. Publisher: Tadevan Holdings Pty. Ltd.:

Chairman: Judge R. R. Kearney.

Members: R. E. Barrington, A. J. Graham, K. A. R. Hulme and S. C. Middleton.

Hearing at Wellington on the 20th day of February 1990.

Appearances: No appearance by or on behalf of importer. M. J. Wotherspoon on behalf of Comptroller of Customs.

Decision

This publication was supplied to the Collector of Customs at Auckland by the importer with a request that it be forwarded to the Tribunal for classification.

The publication is a one-off special from the publishers of the monthly *Playgirl* series. In decision 68/89 the Tribunal issued a serial restriction order classifying certain publications of *Playgirl* indecent in the hands of persons under the age of 16 years. This particular publication is aimed at the female market and features a series of photographs of single male models in various stages of undress. The Tribunal agrees with the submission made by Mr Wotherspoon on behalf of the Comptroller that the poses of the models are restrained and that all that is required in respect of this publication is an age restriction as there is material in the publication which would be injurious to younger readers.

The Tribunal classifies this publication as indecent in the hands of persons under the age of 16 years.

Dated at Wellington this 20th day of March 1990.

R. R. KEARNEY, Chairman.

Indecent Publications Tribunal.
go7994